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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,112	06/24/2002	Lars Egnell	CISCP728C1	9119
26541	7590	12/16/2004	EXAMINER	
RITTER, LANG & KAPLAN 12930 SARATOGA AE. SUITE D1 SARATOGA, CA 95070			KAO, CHIH CHENG G	
			ART UNIT	PAPER NUMBER
			2882	

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/089,112	<b>Applicant(s)</b> EGNELL ET AL.	
	<b>Examiner</b> Chih-Cheng Glen Kao	<b>Art Unit</b> 2882	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-7,9,10,12-15,17-22,24-29 and 31-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-7,9,10 and 12-14 is/are allowed.
- 6) ☒ Claim(s) 15,17-22,24-29 and 31-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The indicated allowable subject matter of claims 16-18, 20, 23-25, 27, 30-32, and 34 is withdrawn in view of the newly discovered reference(s) to Csipkes et al. (US Patent 5778132). Rejections based on the newly cited reference(s) follow. Accordingly, the finality of the rejection of the last Office action is withdrawn.

### ***Claim Objections***

2. Claim 6 is objected to because of the following informality, which appears to be a minor draft error creating lack of antecedent basis problems.

In the following format (location of objection; suggestion for correction), the following suggestion may obviate the objection: (claim 6, line 3, "house"; replacing "house" with - - housing- -).

For purposes of examination, the claim has been treated as such. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15, 17, 18, 22, 24, 25, 29, 31, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. (US Patent 6631018) in view of Csipkes et al.

4. Regarding claims 15, 22, and 29, Milton et al. discloses an apparatus comprising a pair of add/drop modules (Fig. 1, #4-8) corresponding to one of a plurality of channels (Fig. 3, #2 and 3), each module comprising an add device (col. 4, lines 62-63, and Fig. 3, #10) as an equivalent means for adding light to a first one of the fiber paths (Fig. 3, #2), a drop device (Fig. 3, #11) as an equivalent means for deflecting a portion of light from a second one of the fiber paths (Fig. 3, #3), wherein the pair have identical construction and the first and second paths, corresponding to a plurality of channels, carry light in opposite directions (Fig. 3), an enclosure for the add and drop devices (Fig. 1, #4-8), a first connection to the enclosure to connect to one fiber path (Fig. 1, #4, top left side), a first optical fiber extending from the enclosure (Fig. 1, #4, fiber from top right side) and coupling to a first connection at one end connecting to a neighboring add/drop module (Fig. 1, #5), a second connection to the enclosure to connect to the other fiber path (Fig. 1, #4, bottom left side), and a second optical fiber extending from the enclosure (Fig. 1, #4, fiber from bottom right side) and coupling to a second connection at one end connecting to the neighboring add/drop module (Fig. 1, #5).

However, Milton et al. does not disclose a housing with connectors.

Csipkes et al. teaches a housing with connectors (Fig. 7C, #160, and col. 6, lines 46-50).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. with the housing of Csipkes et

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al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

5. Regarding claims 17, 18, 24, 25, 31, and 32, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose two winding cores in housings in a rack.

Csipkes et al. further teaches two winding cores in housings (Fig. 4A, cores around the perimeter of #112A, wherein the two cores are on top of each other) in a rack (Figs. 2 and 13).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the apparatus of Milton et al. with the cores in the housings in a rack of Csipkes et al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

6. Claims 19, 20, 26, 27, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. in view of Csipkes et al. as applied to claims 15, 22, and 29 above, and further in view of Strasser et al. (US Patent 5832156).

7. Regarding claims 19, 26, and 33, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose a monitor module or equivalent means coupled to one add/drop module and to fiber paths, the monitor including an add coupler to add a control signal and a tap to extract a portion of light.

Strasser et al. teaches a monitor module or equivalent means (Fig. 11, #111) coupled to one add/drop module (Fig. 11, #112) and to fiber paths (Fig. 11, #82), the monitor including an add coupler to add a control signal (Fig. 11, #117) and a tap to extract a portion of light (Abstract).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. as modified above with the monitoring module or equivalent means of Strasser et al., since one would be motivated to make such a modification to facilitate maintenance (Abstract) as implied from Strasser et al.

8. Regarding claims 20, 27, and 34, Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose identical housings.

Csipkes et al. further teaches identical housings (Figs. 2 and 3).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to further incorporate the apparatus of Milton et al. as modified above with the identical housings of Csipkes et al., since one would be motivated to make such a modification to simplify manufacture thus increasing product yields (col. 2, lines 28-31) as implied from Csipkes et al.

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9. Claims 21, 28, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Milton et al. in view of Csipkes et al. as applied to claims 15, 22, and 29 above, and further in view of Bala et al. (US Patent 6333799).

Milton et al. as modified above suggests an apparatus as recited above.

However, Milton et al. does not disclose a client portion with an equivalent means for interfacing with a client station to receive and transmit optical signals.

Bala et al. teaches a client portion with an equivalent means for interfacing with a client station to receive and transmit optical signals (Fig. 22, #184 and 187).

It would have been obvious, to one having ordinary skill in the art at the time the invention was made, to incorporate the apparatus of Milton et al. as modified above with the client portion and equivalent means of Bala et al., since one would be motivated to make such a modification for faster user interface in an optical communication system (Abstract) as implied from Bala et al.

***Allowable Subject Matter***

10. Claims 2-7 and 9-14 contain allowable subject matter.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, prior art does not disclose or fairly suggest an add/drop node to be connected in an optical WDM-network including add/drop modules of a second one of two sets different from a first one having their add devices connected in a second one of the two optical fiber paths and their drop devices connected in a first one of the two optical fiber paths, in

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combination with all the limitations in the claim. Claims 3-7 and 9-14 contain allowable subject matter by virtue of their dependency.

***Response to Arguments***

11. Applicant's arguments with respect to claims 15, 17-22, 24-29, and 31-35 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Cheng Glen Kao whose telephone number is (571) 272-2492. The examiner can normally be reached on M - F (9 am to 5 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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